

CHAPTER NO. 975

HOUSE BILL NO. 2618

By Representatives Hargrove, Odom, Todd, Pleasant, West, Bone, Kisber, Sargent, Buck, Miller, Jackson, Stulce, White, Maddox, Ralph Cole, Kent, Fitzhugh, McDonald, McDaniel, Dunn, Brenda Turner, David Davis and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 2578

By Senators Burks, Kyle, Cohen, Herron

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 3, Part 8; Title 29, Chapter 13 and Title 40, relative to the criminal injuries compensation fund and victims of crime.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106, is amended by deleting subsection (e) and substituting instead the following:

(e) No compensation shall be awarded on account of the same criminal act in an amount in excess of eighteen thousand dollars (\$18,000), except as provided in subsection (h). All awards granted under subsection (a) shall be aggregated in determining this amount. For the purposes of this chapter, where a victim is injured as a result of two (2) or more criminal acts that occur:

(1) Sequentially, but involve the same criminal or group of criminals, and the same victim or group of victims; and

(2) The victim or victims remain in the presence or under the control of the criminal(s); then the injuries shall be deemed to have resulted from a single criminal act. For the purposes of this chapter, where a minor is the victim of crimes listed in subsection (c), and there are multiple occurrences of one (1) or more of these listed crimes by a single criminal over a period of time, then such injuries shall be deemed to have resulted from a single criminal act.

SECTION 2. Tennessee Code Annotated, Section 29-13-106, is further amended by deleting subsection (h) and substituting instead the following:

(h) At the close of each fiscal year, the board of claims shall determine whether the criminal injury compensation supplemental award program shall be operative for claims arising from criminal acts committed during the subsequent fiscal year. The supplemental award program shall be operative only if the board determines that the estimated balance in the criminal injury compensation fund on June 30 is equal to at least fifty percent (50%) of actual claims paid during that fiscal year. For any claim that arises from a crime committed during a fiscal year in which the board of claims has determined the supplemental award program is to be operative, a supplemental award may be made upon determining that losses and expenses as defined in this section exceed eighteen thousand dollars (\$18,000). The supplemental award shall be equal to losses and expenses as defined in this section which are in excess of eighteen thousand dollars (\$18,000); provided, that no supplemental award shall exceed twelve thousand dollars (\$12,000). All other provisions of this chapter shall apply to the determination and payment of a supplemental award.


SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: June 9, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2000


DON SUNDQUIST, GOVERNOR